

NYLS' NEW YORK CITY BILL JACKET

1960
Local Law #6

12 Pages

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LOCAL LAW No. 6

A local law to amend the administrative code of the city of New York, in relation to occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of sixteen years.

Became a law February 9, 1960 with the approval of the Mayor. Passed by the local legislative body of the city of New York. Filed in the office of the secretary of state March 8, 1960.

Be it enacted by the council of the city of New York as follows:

Section 1. Title D of chapter twenty-six of the administrative code of the city of New York is hereby amended by adding thereto a new section, to follow section D26-3.20, to be section D26-3.21, to read as follows:

§ D26-3.21. **Occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of sixteen years; when prohibited.** a. It is hereby declared that with the exceptions hereinafter stated, rooming house accommodations, as defined in this title, and any room or rooms used for single room occupancy, as defined in this title, where not equipped with a water-closet and a bath or shower and cooking facilities for the exclusive use of the individual tenant, do not constitute decent, safe and healthful living accommodations for children under the age of sixteen years; that the rearing of children of such age in such inadequate and undesirable dwelling accommodations endangers their health, safety and welfare and is detrimental to the welfare of the people of the city; that it would be impracticable to make existing occupancies of such dwelling accommodations by such children immediately unlawful, because the families of such children, if compelled to move, would be unable to find adequate and proper living accommodations elsewhere at rentals which they can afford to pay, by reason of the housing shortage; and that therefore only gradual measures designed to eliminate such undesirable occupancies by such children are practicable. Accordingly, it is hereby found, as a matter of legislative determination, that the proper protection of the health, safety and welfare of the children of the city and of the public generally requires that, except in the case of the birth of a child as hereinafter specified, new or additional occupancies of such rooming house accommodations or any such room or rooms used for single room occupancy by children under the age of sixteen years, after the effective date of this local law, shall be prohibited and that any occupancy of such rooming house accommodations or any such room or rooms used for single room occupancy by any child under the age of sixteen years, on and after January first, nineteen hundred sixty-five, shall be prohibited. It is hereby found that where a child is born to a tenant of such rooming house accommodations or of any such room or rooms used for single room occupancy, it is necessary, in order to afford such

tenant a reasonable opportunity to obtain other quarters, to permit such child to reside in such dwelling accommodations for a reasonable period of time, as prescribed in this section. It is hereby further found that the above-described undesirable conditions affecting children under the age of sixteen years do not tend to arise in the case of premises, such as, for example, college and school dormitories, operated by persons, corporations, associations, organizations or bodies for educational, charitable, religious, recreational, social, patriotic, political, athletic or benevolent purposes and not for pecuniary gain, and that such premises may therefore be appropriately excepted from the foregoing prohibitions.

b. Except as otherwise provided in subdivision f of this section, it shall be unlawful, until January first, nineteen hundred sixty-five, for the owner of any multiple dwelling containing rooming house accommodations or any room or rooms used for single room occupancy and for the lessee of any such multiple dwelling to cause or permit any child under the age of sixteen years to reside in or occupy in whole or in part any rooming house accommodations or room or rooms used for single room occupancy in such dwelling, unless such child resided in or occupied such accommodations, room or rooms or portion thereof on the effective date of this section and has continuously resided in or occupied same at all times since.

c. Except as otherwise provided in subdivision f of this section, it shall be unlawful, until January first, nineteen hundred sixty-five, for any tenant of any rooming house accommodations or room or rooms used for single room occupancy to cause or permit any child under the age of sixteen years to reside in or occupy in whole or in part such accommodations, room or rooms, unless such child resided in or occupied such accommodations, room or rooms or portion thereof on the effective date of this section and has continuously resided in or occupied same at all times since.

d. Except as otherwise provided in subdivision f of this section, it shall be unlawful, on and after January first, nineteen hundred sixty-five, for the owner of any multiple dwelling containing rooming house accommodations or any room or rooms used for single room occupancy and for the lessee of any such multiple dwelling to cause or permit any child under the age of sixteen years to reside in or to occupy in whole or in part any rooming house accommodations or room or rooms used for single room occupancy in such dwelling.

e. Except as otherwise provided in subdivision f of this section, it shall be unlawful, on and after January first, nineteen hundred sixty-five, for any tenant of any rooming house accommodations or room or rooms used for single room occupancy to cause or permit any child under the age of sixteen years to reside in or occupy in whole or in part such accommodations, room or rooms.

f. 1. The provisions of subdivisions b, c, d and e of this section shall not prohibit any child under the age of sixteen years from residing in or occupying any rooming house accommodations or room or rooms used for single room occupancy in any case where

such accommodations or room or rooms include, as a part thereof, a water-closet, a bath or shower and a cooking space (see definition of "cooking space") and the tenant of such accommodations, room or rooms and the members of the family of such tenant are exclusively entitled to use such water-closet, bath or shower and cooking space.

2. In any case where on or after the effective date of this section, and before January first, nineteen hundred sixty-five, a child is born to a tenant of any rooming house accommodations or of any room or rooms used for single room occupancy, the provisions of subdivisions b, c, d and e of this section shall not prohibit such child from residing in or occupying such accommodations or room or rooms until January first, nineteen hundred sixty-five or until the expiration of a period of one year after the birth of such child, whichever date is later.

3. In any case where on or after January first, nineteen hundred sixty-five, a child is born to a tenant of any rooming house accommodations or of any room or rooms used for single room occupancy, the provisions of subdivisions d and e of this section shall not prohibit such child from residing in or occupying such accommodations or room or rooms for a period of one year after the birth of such child.

g. In any case where any child under the age of sixteen years is caused or permitted to reside in or occupy any rooming house accommodations or any room or rooms used for single room occupancy in violation of the provisions of subdivision* b, c, d, or e of this section, any tenant with whom such child resides or whose space such child occupies shall be deemed to be occupying such accommodations, room or rooms illegally.

h. In any case where any child under the age of sixteen years is caused or permitted to reside in or occupy any rooming house accommodations or any room or rooms used for single room occupancy in violation of the provisions of subdivision* b, c, d or e of this section, and such violation continues for ten days after service of a notice of such violation on the owner, lessee or tenant committing such violation, the city shall be entitled to institute an action or proceeding in the Supreme Court for an injunction requiring that such violation be remedied by means of the immediate eviction or removal of the tenant with whom such child resides or through other appropriate action. Upon a showing by the city that any such violation exists despite due notice thereof as hereinabove provided, a permanent or temporary injunction or other appropriate order shall be granted. The remedy provided by this subdivision shall be in addition to any other remedies, punishment or penalties provided by this title with respect to any violation of the provisions of subdivisions b, c, d or e of this section.

i. This section shall not apply:

(1) To any rooming house accommodations or any room or rooms used for single room occupancy operated by any person, corpora-

* Evidently should read "subdivisions."

tion, association,* organization or body solely for educational, charitable, religious, recreational, social, patriotic, political, athletic or benevolent purposes and not for pecuniary gain; or

(2) To any establishment which is a multiple dwelling lawfully used for single room occupancy, is commonly regarded as a hotel in the community in which it is located, and customarily provides hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bell boy service; provided that the provisions of this paragraph two shall not except from the provisions of this section any establishment which is commonly regarded in the community as a rooming house, irrespective of whether such establishment either provides some services customarily provided by hotels, or is represented to be a hotel, or both.

§ 2. If any provision of this local law, or the application thereof to any person or circumstances, is held invalid, the remainder of this local law, and the application of such provision to other persons or circumstances, shall not be effected thereby.

§ 3. This local law shall take effect sixty days after its approval by the mayor.

LOCAL LAW No. 7

A local law to repeal article thirty of title B of chapter thirty-two of the administrative code of the city of New York, relating to the licensing of rooming houses.

Became a law February 9, 1960 with the approval of the Mayor. Passed by the local legislative body of the city of New York. Filed in the office of the secretary of state March 8, 1960.

Be it enacted by the council of the city of New York as follows:

Section 1. Article thirty of title B of chapter thirty-two of the administrative code of the city of New York is hereby repealed.

§ 2. This local law shall take effect immediately.

LOCAL LAW No. 8

A local law to amend the administrative code of the city of New York, in relation to prohibiting single room occupancy conversions and class B conversions.

Became a law February 9, 1960 with the approval of the Mayor. Passed by the local legislative body of the city of New York. Filed in the office of the secretary of state March 8, 1960.

Be it enacted by the council of the city of New York as follows:

Section 1. Article seven-A of title D of chapter twenty-six of the administrative code of the city of New York, subdivision b of

* So in original. [Word misspelled.]

Nos. 390-464

Int. No. 331

Report of the Committee on General Welfare in Favor of Adopting as Amended a Local Law to Amend the Administrative Code of The City of New York, in Relation to Occupancy of Rooming House Accommodations and Rooms Used for Single Room Occupancy by Children Under the Age of 16 Years.

The Committee on General Welfare, to which was referred on July 21, 1959 (Minutes, page 71), the annexed amended local law to amend the Administrative Code of The City of New York, in relation to occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of 16 years, respectfully

REPORTS:

Your Committee agreeing with the purpose of the proposed legislation accordingly recommends its adoption, as amended.

A LOCAL LAW to amend the administrative code of the city of New York, in relation to occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of sixteen years.

Be it enacted by the Council as follows:

Section 1. Title D of chapter twenty-six of the administrative code of the city of New York is hereby amended by adding thereto a new section, to follow section D26-3.20, to be section D26-3.21, to read as follows:

§ D26-3.21 Occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of sixteen years; when prohibited.

a. It is hereby declared that with the exceptions hereinafter stated, rooming house accommodations, as defined in this title, and any room or rooms used for single room occupancy, as defined in this title, where not equipped with a water-closet and a bath or shower and cooking facilities for the exclusive use of the individual tenant, do not constitute decent, safe and healthful living accommodations for children under the age of sixteen years; that the rearing of children of such age in such inadequate and undesirable dwelling accommodations endangers their health, safety and welfare and is detrimental to the welfare of the people of the city; that it would be impracticable to make existing occupancies of such dwelling accommodations by such children immediately unlawful, because the families of such children, if compelled to move, would be unable to find adequate and proper living accommodations elsewhere at rentals which they can afford to pay, by reason of the housing shortage; and that therefore only gradual measures designed to eliminate such undesirable occupancies by such children are practicable. Accordingly, it is hereby found, as a matter of legislative determination, that the proper protection of the health, safety and welfare of the children of the city and of the public generally requires that, except in the case of the birth of a child as hereinafter specified, new or additional occupancies of such rooming house accommodations or any such room or rooms used for single room occupancy by children under the age of sixteen years, after the effective date of this local law, shall be prohibited and that any occupancy of such rooming house accommodations or any such room or rooms used for single room occupancy by any child under the age of sixteen years, on and after January first, nineteen hundred sixty-five, shall be prohibited. It is hereby found that where a child is born to a tenant of such rooming house accommodations or of any such room or rooms used for single room occupancy, it is necessary, in order to afford such tenant a reasonable opportunity to obtain other quarters, to permit such child to reside in such dwelling accommodations for a reasonable period of time, as prescribed in this section. It is hereby further found that the above-described undesirable conditions affecting children under the age of sixteen years do not tend to arise in the case of premises, such as, for example, college and school dormitories, operated by persons, corporations, associations, organizations or bodies for educational, charitable, religious, recreational, social, patriotic, political, athletic or benevolent purposes and not for pecuniary gain, and that such premises may therefore be appropriately excepted from the foregoing prohibitions.

b. Except as otherwise provided in subdivision f of this section, it shall be unlawful, until January first, nineteen hundred sixty-five, for the owner of any multiple dwelling containing rooming house accommodations or any room or rooms used for single room occupancy and for the lessee of any such multiple dwelling to cause or permit any child under the age of sixteen years to reside in or occupy in whole or in part any rooming house accommodations or room or rooms used for single room occupancy in such dwelling, unless such child resided in or occupied such accommodations, room or rooms or portion thereof on the effective date of this section and has continuously resided in or occupied same at all times since.

c. Except as otherwise provided in subdivision f of this section, it shall be unlawful, until January first, nineteen hundred sixty-five, for any tenant of any rooming house accommodations or room or rooms used for single room occupancy to cause or permit any child under the age of sixteen years to reside in or occupy in whole or in part such accommodations, room or rooms, unless such child resided in or occupied such accommodations, room or rooms or portion thereof on the effective date of this section and has continuously resided in or occupied same at all times since.

d. Except as otherwise provided in subdivision f of this section, it shall be unlawful, on and after January first, nineteen hundred sixty-five, for the owner of any multiple dwelling containing rooming house accommodations or any room or rooms used for single room occupancy and for the lessee of any such multiple dwelling to cause or permit any child under the age of sixteen years to reside in or to occupy in whole or in part any rooming house accommodations or room or rooms used for single room occupancy in such dwelling.

e. Except as otherwise provided in subdivision f of this section, it shall be unlawful, on and after January first, nineteen hundred sixty-five, for any tenant of any rooming house accommodations or room or rooms used for single room occupancy to cause or permit any child under the age of sixteen years to reside in or occupy in whole or in part such accommodations, room or rooms.

f. 1. The provisions of subdivisions b, c, d and e of this section shall not prohibit any child under the age of sixteen years from residing in or occupying any rooming house accommodations or room or rooms used for single room occupancy in any case where such accommodations or room or rooms include, as a part thereof, a water-closet, a bath or shower and a cooking space (see definition of "cooking space") and the tenant of such accommodations, room or rooms and the members of the family of such tenant are exclusively entitled to use such water-closet, bath or shower and cooking space.

2. In any case where on or after the effective date of this section, and before January first, nineteen hundred sixty-five, a child is born to a tenant of any rooming house accommodations or of any room or rooms used for single room occupancy, the provisions of subdivisions b, c, d and e of this section shall not prohibit such child from residing in or occupying such accommodations or room or rooms until January first, nineteen hundred sixty-five or until the expiration of a period of one year after the birth of such child, whichever date is later.

CITY COUNCIL**JAN 19 1960**

3. In any case where on or after January first, nineteen hundred sixty-five, a child is born to a tenant of any rooming house accommodations or of any room or rooms used for single room occupancy, the provisions of subdivisions d and e of this section shall not prohibit such child from residing in or occupying such accommodations or room or rooms for a period of one year after the birth of such child.

g. In any case where any child under the age of sixteen years is caused or permitted to reside in or occupy any rooming house accommodations or any room or rooms used for single room occupancy in violation of the provisions of subdivision b, c, d, or e of this section, any tenant with whom such child resides or whose space such child occupies shall be deemed to be occupying such accommodations, room or rooms illegally.

h. In any case where any child under the age of sixteen years is caused or permitted to reside in or occupy any rooming house accommodations or any room or rooms used for single room occupancy in violation of the provisions of subdivision b, c, d or e of this section, and such violation continues for ten days after service of a notice of such violation on the owner, lessee or tenant committing such violation, the city shall be entitled to institute an action or proceeding in the supreme court for an injunction requiring that such violation be remedied by means of the immediate eviction or removal of the tenant with whom such child resides or through other appropriate action. Upon a showing by the city that any such violation exists despite due notice thereof as hereinabove provided, a permanent or temporary injunction or other appropriate order shall be granted. The remedy provided by this subdivision shall be in addition to any other remedies, punishment or penalties provided by this title with respect to any violation of the provisions of subdivisions b, c, d or e of this section.

i. This section shall not apply:

(1) To any rooming house accommodations or any room or rooms used for single room occupancy operated by any person, corporation, association, organization or body solely for educational, charitable, religious, recreational, social, patriotic, political, athletic or benevolent purposes and not for pecuniary gain; or

(2) To any establishment which is a multiple dwelling lawfully used for single room occupancy, is commonly regarded as a hotel in the community in which it is located, and customarily provides hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bell boy service; provided that the provisions of this paragraph two shall not except from the provisions of this section any establishment which is commonly regarded in the community as a rooming house, irrespective of whether such establishment either provides some services customarily provided by hotels, or is represented to be a hotel, or both.

§ 2. If any provision of this local law, or the application thereof to any person or circumstances, is held invalid, the remainder of this local law, and the application of such provision to other persons or circumstances, shall not be effected thereby.

§ 3. This local law shall take effect sixty days after its approval by the mayor.

ERIC J. TREULICH, FRANK V. SMITH, EDWARD VOGEL, JOSEPH C. DiCARLO, MORRIS J. STEIN, STANLEY ISAACS, THOMAS J. MIRABILE, DAVID ROSS, JACK KRANIS, Committee on General Welfare.

In connection herewith His Honor the Mayor transmitted the following Message of Necessity:

City of New York, Office of the Mayor, New York 7, N. Y.

Pursuant to authority vested in me by Section thirteen of the City Home Rule Law and by Section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law as amended entitled:

A Local Law to amend the administrative code of the city of New York, in relation to occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of 16 years.

Given under my hand and seal this 19th day of January, 1960, at City Hall in the City of New York.

ROBERT F. WAGNER, Mayor.

On motion of Mr. Treulich, seconded by Mr. Ross, the foregoing local law was made a General Order for the day.

The President pro tem. put the question whether the Council would agree with said report and adopt such amended local law, which was decided in the affirmative by the following vote.

Affirmative—Brown, Curry, Curtis, Davis, DiCarlo, Diggs, Dulligan, Fastenberg, Hearn, Isaacs, Kranis, McCarthy, Mirabile, O'Brien, Okin, Ross, Schneider, Smith, Treulich, Vogel, Weiss and the Vice-Chairman (Mr. Sharkey) and the President pro tem. (Mr. Cuite)—23.

The City of New York
DEPARTMENT OF BUILDINGS
PROPOSED LOCAL LAW

8/12/59

#331

[Handwritten signature]

Mr. Treulich - The Council

Int. No. 331
Pr. No. 390

RECOMMENDATION: Approval.

EFFECT: The proposed local law amends Section D26-3.21 of the Administrative Code so as to restrict the type of building in which children under sixteen years of age may be reared.

COMMENTS: The proposed amendment will improve the minimum standards of housing for children under sixteen years of age and will gradually eliminate the more important abuses.

Peter J. Reidy

Peter J. Reidy
Commissioner

JF:a

6-1960

A Local Law To amend the administrative code of the city of New York, in relation to occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of 16 years.

To: The Mayor

From: The Deputy Mayor

Re: Proposed Local Law, Int. No. 331, Pr. Nos. 390, 464 -
Treulich

Object: Prohibiting occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of 16 years after January 1, 1965.

Comment: Occupancy of rooming house and single room occupancy accommodations by families with children under the age of 16 years gives rise to many moral and sociological problems. Lack of family privacy, lack of proper kitchen facilities and lack of adequate, private sanitary facilities and up to a most unhealthy environment in which to rear children. Such properties rapidly become slum properties and slums are recognized as prime breeders of juvenile delinquency.

Enactment of this proposed local law would constitute a positive means to eliminate such occupancy on a deferred basis. The five year period should permit of a gradual relocation of families from such rooming house and single room occupancy accommodations to adequate self-contained apartments.

Approved By: Department of Buildings
City Administrator

Dated, February 2, 1960

P. O'K.

July 24, 1959 bf

A Local Law To amend the administrative
code of the city of New York,
in relation to occupancy of
rooming house accommodations
and rooms used for single
room occupancy by children
under the age of sixteen
years.

Hon. Joseph Sharkey
Majority Leader, The Council
City Hall
New York 7, N. Y.

Dear Mr. Sharkey:

Enclosed is an original together with three
copies of a proposed local law which I would appreciate
your introducing in the Council.

The proposed local law was requested by the
City Administrator.

Very truly yours,

M a y o r

September 28, 1959.

Re: Proposed Local Law.
Int. No. 331; Pr. No. 390,
By Mr. Treulich

RECOMMENDATION:

Approved.

COMMENT:

Proposed amendment concerns the occupancy of rooming houses and rooms in single room occupancies for children under the age of 16 years and provides for further protection of health, safety and welfare of the people occupying such building.

Basically the jurisdiction of this matter is in the Building Department.

ASP:3:CF

Albert S. Pacetta,
Deputy Fire Commissioner

Transcript of the Stenographic Record
of the
Hearing on Local Laws

Held Before

The Honorable Robert F. Wagner, Mayor

At the Mayor's Office, Executive Chambers, City Hall
on Tuesday, February 9, 1960
At 11 A.M.

Introductory Number 331, Print Numbers 390 and 464--A Local
Law to amend the administrative code in relation to occupancy
of rooming house accommodations and rooms used for single
room occupancy by children under the age of 16.

MINUTES OF A PUBLIC HEARING

Held Before
Honorable Robert F. Wagner, Mayor

At the

Mayor's Office, Executive Chambers, City Hall
on Tuesday, February 9, 1960
At 11 A.M.

THE MAYOR: The next hearing is on a proposed Local Law to amend the administrative code in relation to occupancy of rooming house accommodations and rooms used for single room occupancy by children under the age of 16, proposed Local Law Introductory Number 331, Print Numbers 390 and 464 approved by the Dep't of Buildings and the City Administrator.

Anyone to be heard in opposition?

(No response)

Anyone to be heard in favor?

(No response)

No one to be heard, we'll close the hearing.

(The Mayor thereupon signed the proposed bill)